

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:19-CV-767-ECM
)	
DYNAMIC SECURITY, INC.)	
)	
Defendants.)	

**PLAINTIFF’S FIRST MOTION IN LIMINE
MOTION TO EXCLUDE EVIDENCE RELATED TO RAY CURETON’S
PROFESSION AS MINISTER**

COMES NOW Plaintiff, Davita Key, and moves this court *in limine* to exclude any evidence, whether testimonial, by deposition designation, or mention by counsel in opening or closing, to the profession of possible witness Ray Cureton as a minister. In support of this motion, Plaintiff states as follows:

1. This case involves disputed facts related to whether Defendant Dynamic Security retaliated against the Plaintiff by not offering her of employment assignments after she complained of race discrimination.
2. Ray Cureton is the decision maker as to whether or not Dynamic Security

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would offer an employment assignment to Key. At times, he has maintained he offered Key assignments which she declined. Key denies Cureton's assertions. This disagreement will require a credibility determination to be made by the jury.

3. During his deposition, Cureton testified he practiced, and still practices, as a minister.
4. Dynamic Security indicated through deposition designations that it intended to include Cureton's position as a minister in his testimony. [Doc. 135-3, p. 2 at 12:12 – 12:17].
5. Cureton's former or current position as a minister is irrelevant to the information he would be testifying to. Fed. R. Evid. 402 because it does not prove nor disprove whether he offered Key an assignment. It is not of consequence to determining the motive(s) of Dynamic Security in its decisions relating to Key and job assignments.
6. The testimony and/or reference to Cureton being a minister is an effort to vouch for or bolster his credibility. Therefore, it should be excluded because it creates unfair prejudice against the Plaintiff, confusion of the issues, or misleading the jury as to what weight his testimony should be given. Fed. R.

Evid. 403.

7. The testimony also amounts to inadmissible character evidence mean to bolster the reliability of Cureton's statement over Plaintiff's because of his profession. Fed. R. Evid. 404.
8. Should the Court grant this motion, counsel for the Defendant should instruct Mr. Cureton outside the presence of the jury and prior to him testifying that he is not to volunteer or spontaneous testify to his experience as a minister.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Court enter an order precluding any mention by counsel in opening or closing, or any testimony by the witness whether by live or deposition designation, related to Ray Cureton's profession as a minister.

Respectfully submitted,

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Certificate of Service

I hereby certify that I have filed the foregoing on the Court's CM/ECF electronic filing system which will provide notice to all counsel of record on this 24th day of February 2023.

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